

**IN THE CLAIMS**

Please amend the claims as follows:

1. (CURRENTLY AMENDED) A method for making active nickel material for a positive electrode of a hydrogen storage battery comprising the steps of:

~~forming active nickel material particles in the presence of an oxidizing agent~~  
reacting a first reactant comprising nickel with a second reactant in the presence of an oxidizing agent to form active nickel material particles, wherein said first reactant does not comprise a hydroxide group.

2. (ORIGINAL) The method of claim 1 wherein the active nickel particles are successively grown in the presence of an oxidizing agent to partially oxidize some particles.

3. (CURRENTLY AMENDED) The method of claim 1 wherein said  
~~forming~~reacting step ~~further includes the steps of:~~

providing an active nickel material seed with a first degree of oxidation and growing a second active nickel material about the seed, the second active material about the seed having a second degree of oxidation.

4. (ORIGINAL) The method of claim 3 wherein the second degree of oxidation is 0% or about 0%.

5. (ORIGINAL) The method of claim 1 wherein the particles are grown in an oxidizing solution to provide oxidized and non-oxidized active material throughout each particle.

6. (ORIGINAL) The method of claim 1 wherein the particles are grown by the formation and breakdown of a metal complex to form a precipitate.

7. (CURRENTLY AMENDED) The method of claim 1 wherein said forming active nickel material particles reacting step includes the steps of:

combining a metal ion solution, ammonium solution, a metal hydroxide and an oxidant in a reactor to precipitate the active nickel material particles.

8. (ORIGINAL) The method of claim 7 wherein the metal ion solution is a metal sulfate solution.

9. (ORIGINAL) The method of claim 8 wherein the ammonium solution is ammonium hydroxide and the metal hydroxide is sodium hydroxide.

10. (ORIGINAL) The method of claim 8 wherein the metal ion solution includes one or more feed streams formulated to produce active nickel material with a base metal composition consisting essentially of Ni-Co, Ni-Co-Zn, Ni-Co-Zn-Mg, Ni-Co-Zn-Mg-Ca, and Ni-Co-Zn-Mg-Ca-Cu.

11. (ORIGINAL) The method of claim 1 wherein the active nickel material has a base metal composition consisting essentially of Ni-Co, Ni-Co-Zn, Ni-Co-Zn-Mg, Ni-Co-Zn-Mg-Ca, or Ni-Co-Zn-Mg-Ca-Cu.

12. (ORIGINAL) The method of claim 1 wherein the active nickel material particles comprise nickel hydroxide material and nickel oxyhydroxide material.

13. (ORIGINAL) The method of claim 1 wherein the active nickel material particles include particles that are substantially spherical.

14. (CURRENTLY AMENDED) The method of claim 1 wherein said reacting step further includes adjusting process conditions to make the active nickel material with an apparent density of 1.4-1.7 g/cm<sup>3</sup>, a tap density of about 1.8-2.3 g/cm<sup>3</sup> and an average size range of about 5-50  $\mu$ m.

15. (ORIGINAL) The method of claim 1 wherein the active nickel material is formed with cobalt hydroxide and cobalt oxyhydroxide.

16. (ORIGINAL) The method of claim 1 wherein the active nickel material is oxidized more than 1%.

17. (ORIGINAL) The method of claim 1 wherein the active nickel material is oxidized 3% to 70%.

18. (ORIGINAL) The method of claim 1 wherein the active nickel material is provided with a surface that is less than 98% oxidized.

19. (ORIGINAL) The method of claim 1 wherein the active nickel material is provided with a surface that is 5% to 75% non-oxidized and the remaining portion that is oxidized.

20. (NEW) A method for making active nickel material for a positive battery electrode comprising the steps of:

providing a first reactant, said first reactant comprising nickel;

providing a second reactant, said second reactant lacking the capacity to oxidize said first reactant; and

effecting a reaction between said first reactant and said second reactant, said reaction producing said active nickel material;

wherein said reaction occurs in the presence of an oxidizing agent.

21. (NEW) The method of claim 20, wherein said first reactant is a nickel salt.

22. (NEW) The method of claim 20, wherein said first reactant is a liquid phase reactant.

23. (NEW) The method of claim 22, wherein said reaction is a precipitation reaction.

24. (NEW) The method of claim 23, further comprising the step of providing a base during said reaction, said base facilitating said precipitation reaction.

25. (NEW) The method of claim 20, wherein said second reactant is a base.

26. (NEW) The method of claim 20, wherein said second reactant forms a complex with the nickel of said first reactant.

27. (NEW) The method of claim 20, wherein said active nickel material comprises nickel in the +2 oxidation state.

28. (NEW) The method of claim 27, where said active nickel material further comprises nickel in the +3 oxidation state.